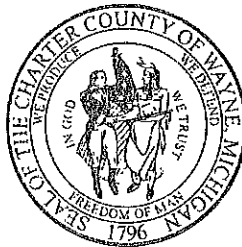


Wayne County Commission

Alisha R. Bell
Chair



Pamela Lane
Director

OFFICE OF POLICY RESEARCH & ANALYSIS

COMMITTEE MEMBERS

January 14, 2019

Diane Webb (C)
Tim Killeen (VC)
Raymond Basham
Irma Clark-Coleman
Martha G. Scott

NOTICE OF MEETING

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

Wednesday, January 16, 2019 – 12:00 p.m.
Hearing Room 704, Guardian Building, 500 Griswold, Detroit, MI 48226

Commissioner Diane Webb, Chairwoman of the Committee on Government Operations, has scheduled a meeting of the Committee on **Wednesday, January 16, 2019 at 12:00 p.m.** in Hearing Room 704, Guardian Building, 500 Griswold, Detroit, MI 48226 to consider the following:

- A. Roll Call
- B. Approval of the December 11, 2018 meeting minutes
- C. Unfinished Business
- D. New Business
- 1. Communication dated December 17, 2018 (received December 18th) from James W. Heath, Interim Wayne County Corporation Counsel, forwarding the Department of Corporation Counsel's Settlement Report for November 2018, pursuant to Resolution No. 2017-750. (2019-40-019)

Note: This meeting is called in accordance with provisions of the "Open Meetings Act," Act No. 267, Public Acts of 1976.

The County of Wayne will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the Commission meeting upon five days notice to the Clerk of the Commission. Individuals with disabilities requiring auxiliary aids or services should contact the Wayne County Commission by writing or calling to the address and number listed below or TD.



2. Communication dated December 20, 2018 (received December 20th) from Carron L. Pinkins, Wayne County Ethics Board, forwarding the 2018 year-end report of the Wayne County Ethics Board, pursuant to Enrolled Ordinance No. 2014-734, Section 40-7(a)(4). (2019-69-001)
3. Communication dated December 3, 2018 (received December 11th) from Steve Mahlin, Director of Personnel/Human Resources, forwarding a report on the progress of implementing a succession plan for senior appointee positions, pursuant to Enrolled Ordinance No. 2018-683, page 11, item 51. (2019-43-010)
4. Communication dated October 24, 2018 (received November 30th) requesting Commission approval of a three-year collective bargaining agreement between the Charter County of Wayne and the Dietitians and Nutritionists Association; the term of the agreement is from October 1, 2018 through September 30, 2021. (2019-43-004)
5. Communication dated October 1, 2018 (received December 5th) requesting Commission approval of a retroactive, five-year contract between the Charter County of Wayne and Health Management Systems of America, Inc. (HMSA) (of Detroit) not to exceed \$350,000 to provide an employee assistance program (EAP) to employees, their family, and/or management designed to reduce pain and costs associated with emotional, social and physical problems on and off the job, including prevention, early intervention and creative case management, as appropriate; the County Executive advises that 4 proposals were received in response to 181 solicitations; after review, the Procurement Division recommends award to HMSA as the most responsive and responsible proposer; HMSA will subcontract with Workplace Options (of Raleigh, NC) for clinical after-hours coverage, CLC, Inc. (of Roseville, CA) for legal and financial services and New Oakland Family Centers (of Clarkston) for psychiatric evaluations; the term of the contract is from October 1, 2018 through September 30, 2023; the cost of the contract will be charged to Account No. 676 86501 918020 (Health Insurance). (2019-43-001)

Firm: Health Management Systems of America, Inc.
Address: 601 Washington Blvd, Suite 200, Detroit, MI 48226
Contact: Dennis G. Rice (800) 888-HMSA

6. Communication dated August 16, 2018 (received December 11th) requesting Commission approval of a retroactive modification to a two-year contract with a one-year option to renew between the Charter County of Wayne and Zausmer, August & Caldwell, PC (of Farmington Hills) in the amount of \$50,000 to add funds to the contract and to replace Exhibit B to the contract in the Transfer of Northeast Sewage Disposal System (NESDS) to Southeast Macomb Sanitary District (SEMSD) matter; the modification increases the total amount of the contract from \$85,000 to \$135,000; the term of the modification is from December 6, 2018 through December 5, 2019; the cost of the modification will be charged to Account No. 599 54005 814000 (Northeast). (2017-40-003M2)

Firm: Zausmer, August & Caldwell, PC
Address: 32255 Northwestern Highway, Suite 225, Farmington Hills, MI 48334
Contact: Michael L. Caldwell (248) 851-4111

- E. Such other matters as may be properly submitted before the Committee
- F. Public Comments
- G. Adjournment

Respectfully submitted,
Joe Slezak, Legislative Research Analyst (224-7359)
Darcel Brown, Legislative Research Assistant (224-0848)

Note: 3 The County of Wayne will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the Commission meeting upon five days notice to the Clerk of the Commission. Individuals with disabilities requiring auxiliary aids or services should contact the Wayne County Commission by writing or calling to the address and number listed below or TDD (1-800-649-3777)

COMMITTEE ON GOVERNMENT OPERATIONS

January 16, 2019

B. Approval of the minutes of the December 11, 2018 meeting

MINUTES

COMMITTEE ON GOVERNMENT OPERATIONS

Tuesday, December 11, 2018 – 10:00 A.M.

Hearing Room 704, Guardian Building, 500 Griswold, Detroit, MI 48226

A. Roll Call: 10:05 A.M.

Ilona Varga (Chair)	-- Present
Glenn S. Anderson (VC)	-- Present
Joe Barone	-- Present
Terry Marecki	-- Present
Joseph Palamara	-- Present
Martha Scott	-- Present
Jewel Ware	-- Present

B. Palamara/Barone **Approved.** The November 27, 2018 meeting minutes. Motion Carried.

C. Unfinished Business

D. New Business

1. Marecki/Scott **Approved.** A grant agreement between the Charter County of Wayne and State of Michigan, Department of Licensing and Regulatory Affairs in the amount of \$673,061 to accept the 2019 Survey and Remonumentation Grant to cover the expenses of the program; the term of the agreement is from January 1, 2019 through December 31, 2019. (2019-78-003) Motion Carried.

2. Scott/Anderson **Approved.** A three-year contract with two, one-year options or one, two-year option to renew between the Charter County of Wayne and Giffels-Webster Engineers, Inc. (of Detroit) not to exceed \$1,840,800 to survey, monument and remonument the corners in Wayne County. (2019-78-002) Motion Carried.

3. Marecki/Ware **Approved.** A retroactive three-year contract with one, two-year option to renew or two, one-year options to renew between the Charter County of Wayne and US Imaging, Inc. (of Saginaw) in the amount of \$247,682.32 to convert digital images from the land records

database to microfilm and store the images along with the ones that are currently being stored for the Register of Deeds Office. (2018-78-019) Motion Carried.

4. Marecki/Palamara

Approved. A resolution amending Resolution No. 2017-750 extending the delegated settlement authority for an additional year on cases up to \$20,000 to Wayne County Corporation Counsel to settle lawsuits, accept case evaluation awards and accept offers of judgment or counteroffers of judgment. (2019-40-006) Motion Carried.

5. Ware/Scott

Approved. Modification No. 2 to a retroactive, sole-source professional services one-year agreement between the Charter County of Wayne and Ivanti, Inc. (of South Jordan, UT) in the amount of \$51,071.20 to track trouble tickets and service requests for the Department of Information Technology, as well as to provide a self-service feature and knowledge-base to all users throughout the County to open and track trouble tickets and service requests from their computers or mobile devices. (2017-53-138M2) Motion Carried.

6. Palamara/Scott

Forwarded to Full Board to Receive and File. Communication from Carlos Perez, Chief Information Officer, Department of Information Technology, forwarding the Department of Information Technology new staff augmentation model described in the contracts approved by the Wayne County Commission in 2013. (2019-53-046) Motion Carried.

7. Palamara/Marecki

Forwarded to Full Board to Receive and File. Communication from Victoria Inniss Edwards, Director, Human Relations Division, forwarding a report of Current Activities and Achievements of the Human Relations Division for FY 2017-2018, pursuant to Enrolled Ordinance No. 2018-683, page 9, item 19. (2019-40-010) Motion Carried.

8. Palamara/Ware

Forwarded to Full Board to Receive and File. Communication from James W. Heath, Interim Wayne County Corporation Counsel, forwarding the Department of Corporation Counsel's Outside Legal Service Report,

pursuant to Enrolled Ordinance No. 2018-683,
page 8, item 17. (2019-40-009) Motion Carried.

- E. Such other matters as may be properly submitted before the Committee.

Commissioner Varga stated she may schedule another Government Operations meeting before the next Full Board.

- F. Public Comments

- G. Adjournment Scott/Anderson

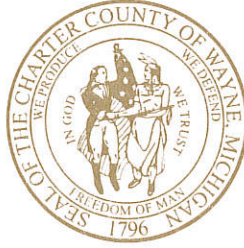
The Committee adjourned at 11:01 A.M.

Respectfully Submitted,

Darcel Brown
Legislative Research Assistant

H:/Darcel/GOVOPSmin2018.Dec11.doc

Wayne County Commission



Gary Woronchak
Chairman

Pamela Lane
Director

OFFICE OF POLICY RESEARCH & ANALYSIS

COMMITTEE MEMBERS

Ilona Varga, Chair
Glenn S. Anderson (VC)
Joe Barone
Terry Marecki
Joseph Palamara
Martha Scott
Jewel Ware

December 7, 2018

NOTICE OF MEETING

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

Tuesday, December 11, 2018 – 10:00 a.m.

Hearing Room 704, Guardian Building, 500 Griswold, Detroit, MI 48226

Commissioner Ilona Varga, Chairwoman of the Committee on Government Operations, has scheduled a meeting of the Committee on **Tuesday, December 11, 2018 at 10:00 a.m.** in Hearing Room 704, Guardian Building, 500 Griswold, Detroit, MI 48226 to consider the following:

- A. Roll Call
- B. Approval of the November 27, 2018 meeting minutes
- C. Unfinished Business
- D. New Business
- 1. Communication dated November 2, 2018 (received November 13th) requesting Commission approval of a grant agreement between the Charter County of Wayne and State of Michigan, Department of Licensing and Regulatory Affairs in the amount of \$673,061 to accept the 2019 Survey and Remonumentation Grant to cover the expenses of the program; the term of the agreement is from January 1, 2019 through December 31, 2019; the revenue from the agreement will be deposited into Account No. 101 24500 569000 (R of D Remonumentation Grant). (2019-78-003)

Note: This meeting is called in accordance with provisions of the "Open Meetings Act," Act No. 267, Public Acts of 1976.

The County of Wayne will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the Commission meeting upon five days notice to the Clerk of the Commission. Individuals with disabilities requiring auxiliary aids or services should contact the Wayne County Commission by writing or calling to the address and number listed below or TD.

500 GRISWOLD • SUITE 861 • DETROIT, MICHIGAN 48226 • TELEPHONE (313) 224-0903 • FAX (313) 224-7484



2. Communication dated November 29, 2018 (received November 30th) requesting Commission approval of a three-year contract with two, one-year options or one, two-year option to renew between the Charter County of Wayne and Giffels-Webster Engineers, Inc. (of Detroit) not to exceed \$1,840,800 to survey, monument and remonument the corners in Wayne County; the County Executive advises 2 proposals were received in response to 267 direct solicitations; after review, the Procurement Division recommends award to Giffels-Webster, as the most responsive and responsible proposer; Giffels-Webster will subcontract 5%/\$90,000 to Advanced Geomatics (of Novi) for land surveying, 5%/\$90,000 to Ambit Land Surveyors (of Plymouth) for land surveying, 5%/\$90,000 to Great Lakes Geomatics, LLC (of Mount Clemens) for land surveying, and 1%/\$20,000 to Arbor Land Consultants, Inc. (of Ann Arbor) for land surveying; the term of the contract is from January 1, 2019 through December 31, 2021; the cost of the contract will be charged to Account No. 101 24500 817000 (R of D Remonumentation Grant). (2019-78-002)

Firm: Giffels-Webster Engineers, Inc.
Address: 28 W. Adams Avenue, Suite 1200, Detroit, MI 48226
Contact: John N. Redash (313) 962-4442

3. Communication dated November 29, 2018 (received December 3rd) requesting Commission approval of a retroactive three-year contract with one, two-year option to renew or two, one-year options to renew between the Charter County of Wayne and US Imaging, Inc. (of Saginaw) in the amount of \$247,682.32 to convert digital images from the land records database to microfilm and store the images along with the ones that are currently being stored for the Register of Deeds Office; the County Executive advises that 1 bid was received in response to 124 solicitations; after review, the Procurement Division recommends award to US Imaging, Inc., meeting all bid specifications; the term of the contract is from November 1, 2018 through October 31, 2021; the cost of the contract will be charged to Account No. 101 23600 817000 (Register of Deeds). (2018-78-019)

Firm: US Imaging, Inc.
Address: 400 S. Franklin Street, Saginaw, MI 48607
Contact: Rhonda Olsen (989) 754-9949

4. Communication dated October 30, 2018 (received December 5th) requesting Commission approval of a resolution amending Resolution No. 2017-750 extending the delegated settlement authority for an additional year on cases up to \$20,000 to Wayne County Corporation Counsel to settle lawsuits, accept case evaluation awards and accept offers of judgment or counteroffers of judgment; awards and settlements of between \$20,000 and \$60,000 may be approved by Corporation Counsel with concurrence of the Commission Chairperson or his or her designee, and if not approved by the Chairperson, it must be approved by the full Commission; awards in excess of \$60,000 or where a proposed settlement is to be kept confidential must be approved by the full Commission; the resolution shall be effective through December 31, 2019; the Commission has previously approved this authority with Resolution Nos. 2017-750, 2017-093, 2015-649, 2014-682, 2014-059, 2012-740, 2011-643, 2010-666, 2009-851, 2008-687, 2007-825, 2006-1039, 2005-1197, 2005-689, 2004-1125, 2003-888, 2003-297,

2002-1186, 2000-629, 1999-739, 1998-717, 1997-646, 1997-260, 1995-141 and 1987-63. (2019-40-006)

5. Communication dated October 11, 2018 (received November 30th) requesting Commission approval of Modification No. 2 to a retroactive, sole-source professional services one-year agreement between the Charter County of Wayne and Ivanti, Inc. (of South Jordan, UT) in the amount of \$51,071.20 to track trouble tickets and service requests for the Department of Information Technology, as well as to provide a self-service feature and knowledge-base to all users throughout the County to open and track trouble tickets and service requests from their computers or mobile devices; Modification No. 2 increases the total contract amount from \$100,789.20 to \$151,860.40; Modification No. 2 extends the term of the contract from October 1, 2018 through September 30, 2019; the cost of Modification No. 2 will be charged to Account No. 635 25805 943000 (Information Technology Service). (2017-53-138M2)

Firm: Ivanti, Inc.
Address: 698 West 10000 South, South Jordan, UT 84095
Contact: Stacey Slowiak (719) 532-7346

6. Communication dated November 7, 2017 (received November 16th) from Carlos Perez, Chief Information Officer, Department of Information Technology, forwarding the Department of Information Technology new staff augmentation model described in the contracts approved by the Wayne County Commission in 2013; the reports depict the changes that occurred July – September 2018, including the name of the vendor, the resource's name, the position title, hourly rate, start date and end date, as applicable. (2019-53-046)
7. Communication dated December 4, 2018 (received December 4th) from Victoria Inniss Edwards, Director, Human Relations Division, forwarding a report of Current Activities and Achievements of the Human Relations Division for FY 2017-2018, pursuant to Enrolled Ordinance No. 2018-683, page 9, item 19. (2019-40-010)
8. Communication dated November 29, 2018 (received December 4th) from James W. Heath, Interim Wayne County Corporation Counsel, forwarding the Department of Corporation Counsel's Outside Legal Service Report, pursuant to Enrolled Ordinance No. 2018-683, page 8, item 17. (2019-40-009)
- E. Such other matters as may be properly submitted before the Committee
- F. Public Comments
- G. Adjournment

Respectfully submitted,

Joe Slezak, Legislative Research Analyst (224-7359)
Darcel Brown, Legislative Research Assistant (224-0848)

Notice - Committee on Government Operations - Page 4.

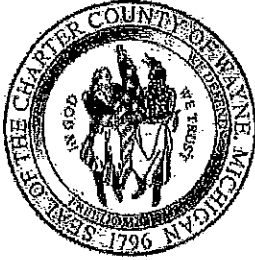
Note: 3 The County of Wayne will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the Commission meeting upon five days notice to the Clerk of the Commission. Individuals with disabilities requiring auxiliary aids or services should contact the Wayne County Commission by writing or calling to the address and number listed below or TDD (1-800-649-3777)

COMMITTEE ON GOVERNMENT OPERATIONS

January 16, 2019

**D.1.- Forwarding the Department of Corporation Counsel's Settlement
Report for November 2018**

(2019-40-019)



Warren C. Evans
County Executive

Wayne County Commission
December 18, 2018, 9:13 a.m.

Government Operations
2019-40-019
1-7-2019

December 17, 2018

Honorable Gary Woronchak, Chairman
Wayne County Commission
Guardian Building
500 Griswold Street, 7th Floor
Detroit, Michigan 48226

Re: Corporation Counsel Settlement Report November 2018

Dear Chairman Woronchak:

Enclosed for your review and file please find the Department of Corporation Counsel's Settlement Report for November 2018 which is submitted pursuant to Resolution 2017-750.

Sincerely,

JAMES W. HEATH
Interim Wayne County Corporation Counsel

Enclosure
*319874

[Contracts](#) [Contracts](#) [Search Contracts](#) [Contract Header](#)

[Back to Approvals](#)

1 of 5 Results

< >

Folder: Non-Procurement - Discontinuance - Commission Approval

Pending Approval

Contract is in the approvals workflow now.

[Contract Actions](#)

2019-40-019

Corporation Counsel Settlement Report
November 2018

Type: Closed Session

2nd Party: Corporation Counsel

Dates: 1/1/1900 - 12/31/2099

Version: Renewal 0, Amendment 0

[Open Main Document](#)

Contract Header

[History](#) ?

Contract Number * 2019-40-019

Contract Name * Corporation Counsel Settlement Report November 2018

Contract Type * Closed Session

Branch * Corporation Counsel

Parent Contract -

Show on Supplier Portal Inherit From General Contract Settings -- Current Setting: No

Summary For review and file, the Department of Corporation Counsel's Settlement Report for November 2018 which is submitted pursuant to Resolution 2017-750.

Contract Parties

Name	Currently Visible	Type	Contact	Contract Address
The Charter County of Wayne		First Party (Primary)	-	-
Corporation Counsel		Second Party (Primary)	-	-

Dates and Renewal

Time Zone * EDT/EST - Eastern Standard Time (US/Eastern)

Start Date * 1/1/1900 12:00:00 AM
* Update Start Date Upon Execution

End Date * 12/31/2099 11:59:59 PM

Review Date -

Review Term -

Reviews Remaining -

Renewals Remaining -

Automatically Apply Price File with Renewal No

Renewal Term -

> Keywords

Supplier Contact Information

* Required


Authorized Contact * James W. Heath

[< Previous](#)

[Next >](#)

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Phone # * 313-224-0055
Email * jheath@waynecounty.com

 Contracts Contracts Search Contracts **Contract Header**

Contract Information

Is Commission Approval
Required? * Receive and File Only

Related Control Number -

Does this request have
a formal contract or
agreement that requires
Legal Counsel review
and approval? * ⓘ

Requisition Number * N/A

Funding Sources

▼ Funding Sources (0)

This table is currently empty. [View Table Columns](#)

IT Information

Does this contract
require hardware,
software, telephony, or
IT related services? * ⓘ

Grant Related Information

Will grant funds be
utilized? * No

Resolution

Resolution # 2017-750

★ Required

[< Previous](#)

[Next >](#)

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Filter History

Export CSV

Date	User	Step(s)	Action	Section	Sub Section	Field	Old Value	New Value	Note
12/18/2018 9:12 AM	James Heath	Department Approval	Contract Approved	Approvals	-	-	-	-	-
12/18/2018 9:12 AM	James Heath	Department Approval	Contract Assigned	Approvals	-	-	-	-	-
12/17/2018 2:22 PM	Tracey Kelly	-	Modified	Approvals	Enter Message to Approvers	Enter Message to Approvers	empty	Receive and file for November 2018 Settlement Report	-

SETTLEMENT LOG

Fiscal Year Paid Out = '2018/2019'

<u>Case</u>	<u>Matter ID/DAF #/Case Description/Settlement Notes</u>	<u>Client Name</u>	<u>Account Number</u>	<u>Date of Injury</u>	<u>Date Received</u>	<u>Fiscal Year Pay Out and Commission Resolution No</u>	<u>Assigned Attorney</u>	<u>Settlement Amount</u>
Hardan, Darryl/v County of Wayne, et al	19-3317 Plaintiff brings this 42 USC 1983 lawsuit alleging that in April 2014, he was assaulted by several Sheriff's deputies while being moved to the 4th floor of WC Jail Division I. Plaintiff alleges that he sustained several fractures to his face and rib area, requiring surgery. Related matter: PL# 19-3263 (FOIA lawsuit)	Wayne County	101.52501.9111404/3/2014			2018/2019	Sue Hammond	110,000.00
					<u>Check Number</u> 2584955			
							Total Fiscal Year Pay Out	110,000.00

COMMITTEE ON GOVERNMENT OPERATIONS

January 16, 2019

**D.2.- Forwarding the 2018 year-end report of the Wayne County Ethics
Board**

(2019-69-001)

Wayne County Ethics Board

Carron L. Pinkins - Chair
Edward McCall Thomas - Vice-Chair
Sandra Bucciero
Sue C. Carnell
Mona Hammoud
Freman Hendrix
Robert P. Young



Wayne County Commission
December 20, 2018, 3:02 p.m.
Government Operations
2019-69-001

1-8-2019
The Guardian Building
500 Griswold, Suite 801
Detroit, MI 48226
Phone: 313-224-0993
Fax: 313-224-7484

wcethics@waynecounty.com

Via Electronic Mail
TO: Honorable Warren C. Evans, Wayne County Executive
Honorable Eric Sabree, Wayne County Treasurer
Honorable Benny N. Napoleon, Wayne County Sheriff
Honorable Gary Woronchak, Wayne County Commission Chair
Honorable Kym L. Worthy, Wayne County Prosecutor
Honorable Bernard J. Youngblood, Wayne County Register of Deeds
Honorable Cathy M. Garrett, Wayne County Clerk
FROM: Wayne County Ethics Board
DATE: December 20, 2018
RE: 2018 Year-end Report of the Wayne County Ethics Board

Dear Honorable Elected Officials:

This report is submitted pursuant to Wayne County Ethics Ordinance, Enrolled Ordinance No. 2014-734, Section 40-7(a)(4), which states that:

By December 15 of each year, the board shall submit to all appointing elected officials a written summary of the year's actions.

Advisory Opinions:

The Ethics Board provided no advisory opinions in calendar year 2018.

Other Complaints:

- A. The Wayne County Ethics Board devoted specific attention to the following complaints in 2018:

Tanjarenee Toney's complaints against Anthony Cavalli, Shari D. Drew and Robin Dranach Ruiz respectively. The Board ultimately concluded that there was no violation of the Ethics Ordinance after receiving the complaints, answers and responses and holding hearings.

(2019-69-001)

B. The Board dismissed the following complaints or email inquiries for failure to properly submit a complaint form that complied with the Ethics Ordinance or for lack of jurisdiction:

1. Charetly Lancaster
2. Jannice DeBacker
3. Amanda Jackson
4. Robert Lee
5. Johnnie Taylor
6. Jessica Lafferty-Reside
7. Robert McArthur and Darrell Jones
8. Bernard Hardrick
9. Gina Watts
10. Dylan Abbas

Referrals Under Ethics Ordinance Section 40-07(c)(3):

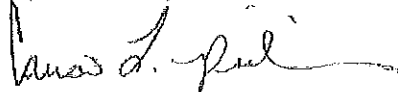
The Ethics Board made no referrals under Ethics Ordinance Section 40-07(c)(3).

Miscellaneous:

The Ethics Board reviewed and evaluated suggested revisions to the Ethics Ordinance for submission to the Wayne County Commission.

The Board would like to thank Wayne County for the fine work of Mr. Joseph Slezak and Mr. Darcel Brown and the invaluable input from Felicia Johnson, Esq. The Board Members extend best wishes to our elected officials for success in the coming year in their efforts to provide the best service available to the residents and citizens of Wayne County along with its visitors.

Very truly yours,



Carron L. Pinkins, Chairperson
Wayne County Ethics Board

CLP/ah

cc: Ethics Board Members
Joseph Slezak
Darcel Brown, Clerk
Avery K. Williams, Esq., Counsel

COMMITTEE ON GOVERNMENT OPERATIONS

January 16, 2019

**D.3.- Forwarding a report on the progress of implementing a succession
plan for senior appointee positions**

(2019-43-010)



Warren C. Evans
Wayne County Executive

Wayne County Commission
December 11, 2018, 12:04 p.m.
Government Operations
2019-43-010
12-12-2018

Date: December 3, 2018

To: Wayne County Commission
Gary Woronchak, Chair
Mark Abbo, Commission CFO
Terrance Adams, Deputy Director

From: Steve Mahlin, Director of Personnel/Human Resources

Subject: Response – Budget instruction item, approved by the Commission under Enrolled Ordinance 2018-683 - page 11, item 51 – Succession Plan

Per the requirement listed above, please accept this communication as a status update on our progress with implementing succession planning within Wayne County. Please be advised, our Engagement Division continues to make progress with their strategic priorities, as detailed below. As discussed previously, succession is a part of the overall Employee Engagement transformation. That said, we have communicated that Employee Engagement is a bit linear, as various elements of the Engagement strategy must be in place before succession can be implemented. We are pleased to advise, that we are well underway with these priorities, including a succession strategy. As a reminder, we previously communicated the target for implementation was TBD 2019, which still seems realistic, but most likely Q3 2019.

The following represents the sequence and status of the Employee Engagement focus:

1. Communication/Intakes and Needs Assessments – Are in process and continue
2. Employee Training – Live and eLearning trainings have been implemented, enterprise-wide, and continue. (These trainings have primarily focused on Professional Standards, Sexual Harassment and Bridging the Supervisor Gap).
3. A partnership with SkillSoft, a cloud-based eLearning provider of 24-7 on-demand learning, was implemented, configured and launched, on a limited basis, July 11th, 2018. Course catalogs were developed and have been put in place. Some targeted training has occurred and we continue to work on our overall delivery and full-scale implementation moving forward.
4. A partnership with Wayne State has been implemented and the custom leadership development training is being constructed. Training should begin in February 2019.
5. We have short-listed three (3) possible application suppliers for "Performance, coaching and Goal Setting, which have succession functionality". Procurement will start once comparable sources have final pricing.

Continued, page 2 of 2

6. In support of this project we have initiated the following:

- a. Draft framework of the succession process
- b. Designation of the succession committee
- c. Identification of:
 - i. Key positions
 - ii. High potentials
 - iii. Retirement risk

As stated in item (5), above, we have short-listed three (3) providers who were able to support initiatives 5 & 6, which will help us efficiently manage all of these associated functions of Succession. Procurement will start once comparable sources have final pricing.

It is our hope that our "two (2) person" Engagement Division will be able to deliver these strategies on time, as we were not able to add an additional staff member to this team, for the 2018/19 budget cycle.

Contracts Contracts Search Contracts Contract Header

< Back to Approvals

4 of 14 Results < >

Folder: Non-Procurement - Document Report Receive and File - Commission Approval

Pending Approval

Contract is in the approvals workflow now.

Contract Actions

2019-43-010

Budget Language Instructions -- P-HR -- Succession Plan

Type: Document / Report Receive and File

2nd Party: The Charter County ...

Dates: 12/1/2018 - 6/1/2019

Version: Renewal 0, Amendment 0

Open Main Document

Summary

Header

Does Not Apply 0

Attachments 3

Obligations 0

Review Rounds 0

Approvals

Comments 0

Communication Center 0

Users and Contacts

Notifications

Contract Family

Contract Header

History ?

Contract Number * 2019-43-010

Contract Name * Budget Language Instructions -- P-HR -- Succession Plan

Contract Type * Document / Report Receive and File

Branch * Labor Relations & Dispute Resolution

Parent Contract -

Show on Supplier Portal ? Inherit From General Contract Settings -- Current Setting: No

Summary No Text Entered

Contract Parties

Name	Currently Visible	Type	Contact	Contract Address
The Charter County of Wayne		First Party (Primary)	-	-
The Charter County of Wayne	X	Second Party (Primary)	-	-

Dates and Renewal

Time Zone * EDT/EST - Eastern Standard Time (US/Eastern)

Start Date * 12/1/2018 12:00:00 AM
X Update Start Date Upon Execution ?

End Date * 6/1/2019 11:59:59 PM

Review Date -

Review Term -

Reviews Remaining -

Renewals Remaining -

Automatically Apply Price File with Renewal No

Renewal Term -

> Keywords

Supplier Contact Information


* Required Authorized Contact * Steve Mahlin

< Previous

Next >

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Phone # ★ 313-224-5907
Email ★ smahlin@waynecounty.com

 Contracts Contracts Search Contracts **Contract Header**

Contract Information

Is Commission Approval
Required? ★ Receive and File Only

Related Control Number —

Does this request have
a formal contract or
agreement that requires
Legal Counsel review
and approval? ★ ⓘ

Requisition Number ★ NA

Funding Sources

▼ Funding Sources (0)

This table is currently empty. [View Table Columns](#)

IT Information

Does this contract
require hardware,
software, telephony, or
IT related services? ★ ⓘ

Grant Related Information

Will grant funds be
utilized? ★ No

Resolution

Resolution # —

★ Required

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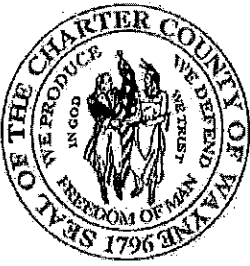
1-10 of 10 Results

200 Per Page ▼

Date	User	Step(s)	Action	Section	Sub Section	Field	Old Value	New Value	Note
12/11/2018 12:03 PM	Darnella Williams	CEO Transmittal	Contract Approved	Approvals	—	—	—	—	—
12/11/2018 12:03 PM	Darnella Williams	CEO Transmittal	Contract Assigned	Approvals	—	—	—	—	—
12/10/2018 5:49 PM	Mathieu Dube	CFO Approval	Contract Approved	Approvals	—	—	—	—	—
12/10/2018 5:49 PM	Mathieu Dube	CFO Approval	Contract Assigned	Approvals	—	—	—	—	—
12/7/2018 10:03 AM	Kelly Rau	Central Budget Director	Contract Approved	Approvals	—	—	—	—	—
12/7/2018 10:03 AM	Kelly Rau	Central Budget Director	Contract Assigned	Approvals	—	—	—	—	—
12/7/2018 8:37 AM	Brian Middaugh	Central Budget Analyst	Contract Approved	Approvals	—	—	—	—	—
12/7/2018 8:37 AM	Brian Middaugh	Central Budget Analyst	Contract Assigned	Approvals	—	—	—	—	—
12/5/2018 2:55 PM	Julie LeMaster	Department Approval	Contract Approved (via email)	Approvals	—	—	—	—	—
12/5/2018 2:55 PM	Julie LeMaster	Department Approval	Contract Assigned (via email)	Approvals	—	—	—	—	—

1-10 of 10 Results

200 Per Page ▲



Warren C. Evans
Wayne County Executive

December 5, 2018

Honorable Gary Woronchak
Chairman, Wayne County Commission
Guardian Building, 7th Floor
Detroit, MI 48226

Re: Budget Language Instructions – Succession Plan Status Update
Page 11, Item 51
TCM Number: 2019-43-010

Dear Chairman Woronchak:

Attached please find the above-referenced Succession Plan Status Update for receipt and file by the Commission.

Very truly yours,

Steve Mahlin
Director of Personnel/Human Resources

SM:lw
Attachment

COMMITTEE ON GOVERNMENT OPERATIONS

January 16, 2019

D.4.- The Dietitians and Nutritionists Association

(2019-43-004)

*Wayne County Commission
Office of Research and Analysis*

Chair Alisha Bell



Referral Analysis
(1/3/2019)

**A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE DIETITIANS AND NUTRITIONISTS ASSOCIATION
(2019-43-004)**

CONTENT

The Department of Personnel/Human Resources' Division of Labor Relations is requesting Commission approval of a three-year collective bargaining agreement (CBA) with the Dietitians and Nutritionists Association.

The term of the CBA is from October 1, 2018 through September 30, 2021. The term of the previous CBA was from October 1, 2015 through September 30, 2018.

The new CBA was signed by Dietitians and Nutritionists Association President Peggy Hennigan and Vice President Rachel West on October 12, 2018, and by Joseph Martinico, the County's Director of Labor Relations, on October 23, 2018.

The five-member bargaining unit represents the classifications of Dietitian, Public Health Nutrition Consultant, Special Duty Nutritionist, Community Nutritionist Assistant and Special Duty Community Nutritionist Assistant. All five are Dietitians.

SUMMARY OF CHANGES FROM THE PREVIOUS CBA

- Article 6 deals with payment of association dues. Article 6.05 says: "The provisions of this Article shall be interpreted and enforced consistent with PA 349 of 2012, and with the decision of the United States Supreme Court in *Janus v. AFSCME*, decided June 27, 2018." The provision for Public Act 349, which helped to establish Michigan as a "right to work" state, carries over from the previous CBA. It permits employees to withdraw from a union, but keep their jobs. The *Janus v. AFSCME* portion -- which essentially says the same thing as Public Act 349, but on a national level -- was added

- Articles 34.02 and 34.03 now say that employees shall receive 2 percent raises on October 1, 2018 and April 1, 2020. Under the previous CBA, employees received a 1.5 percent raise for each of the three years.

- Articles 34.08 and 34.10 say that employees' wages shall not be tied in any way to the wages of other bargaining units. The language is very similar between the sections. A similar provision was Article 34.09 in the previous CBA.

- Article 34.09 in the new CBA was added to say that employees who are classified as a Public Health Nutrition Consultant and are required to function in the capacity of Team Leader

will receive an additional \$1.50 per hour. It replaces Memorandum of Agreement No. 5, which was deleted. The previous No. 5 gave Team Leaders an extra \$1.25 per hour.

- Article 46, the Successor Clause, was deleted. It said that the agreement shall be binding upon the County's successor, assignees or transferees in the event of the County's merger or consolidation.

- Article 47 establishes the CBA's effective dates as October 1, 2018 through September 30, 2021.

- Memorandum of Agreement No. 1 establishes that employees who are required to use their private vehicles while working shall be reimbursed for actual trip mileage according to the standard rate established by the IRS. It supersedes Article 33.01, which essentially used AAA rates.

RETROACTIVITY

Section 120-50 of the Procurement Ordinance, which prohibits premature performance and payment on contracts, does not apply to collective bargaining agreements, per Section 120-50(i).

PAPERWORK TIMELINE FOR THIS COLLECTIVE BARGAINING AGREEMENT IS LISTED BELOW:

DOCUMENT	DATE	SIGNED BY & DEPARTMENT
Collective Bargaining Agreement Signed by Union	10/12/2018	
SciQuest First Signature	10/25/2018	Julie LeMaster – Personnel/Human Resources
SciQuest Last Signature	11/30/2018	Darnella Williams – Executive's Office
Letter from Department to Commission Chair	10/24/2018	Joseph Martinico – Labor Relations
Packet Received by Commission	11/30/2018	Office of Policy Research & Analysis
Number of days it took the contract to reach the Commission after letter to the Commission Chair	37 days	

Pursuant to Section 120-121(d) of the Procurement Ordinance, the Commission retains full approval authority of all collective bargaining agreements.

DOCUMENTS ARE INCLUDED IN THE PACKET AS FOLLOWS:

DOCUMENT	YES	NO	NOT APPLICABLE
SciQuest Completed to Date?	X		
Copy of the Collective Bargaining Agreement?	X		

BACKGROUND

The tentative draft of the previous CBA with the Dietitians and Nutritionists Association was reviewed by the Committee on Government Operations and approved with Commission Resolution No. 2015-527 on October 1, 2015. The vote on this item was as follows:

Yea -- Commissioners Barone, Basham, Clark-Coleman, Haidous, Killeen, LeBlanc, Leland, Marecki, Palamara, Scott, Varga, Webb, Vice-Chair Pro Tempore Ware, Vice-Chair Bell, Chairman Woronchak -- 15

The executed CBA with the Dietitians and Nutritionists Association was reviewed by the Committee of the Whole and approved with Commission Resolution No. 2016-352 on July 7, 2016. The vote on this item was as follows:

Yea -- Commissioners Anderson, Barone, Clark-Coleman, Haidous, Killeen, Leland, Marecki, Palamara, Scott, Varga, Webb, Vice-Chair Pro Tempore Ware, Vice-Chair Bell, Chairman Woronchak -- 14

Nay -- Commissioner Basham -- 1

A memorandum of agreement to modify the CBA with the Dietitians and Nutritionists Association requiring that a high-deductible health plan be offered through a health maintenance organization (instead of just through a preferred provider organization) was reviewed by the Committee of the Whole and approved with Commission Resolution No. 2016-358 on July 7, 2016. The vote on this item was as follows:

Yea -- Commissioners Anderson, Barone, Clark-Coleman, Haidous, Killeen, Leland, Marecki, Palamara, Scott, Varga, Webb, Vice-Chair Pro Tempore Ware, Vice-Chair Bell, Chairman Woronchak -- 14

Nay -- Commissioner Basham -- 1

PRELIMINARY CONCERNS

Why was this agreement not submitted to the Commission before the CBA's start date, October 1, 2018?

RESPONSE: The CBA was tentatively agreed-upon on September 19, 2018. The Union membership ratified the contract on or about September 20, 2018. Thereafter, a final draft of the CBA, incorporating the changes negotiated, was compiled and forward to the Union for review. After some delay, the Union returned the CBA with signatures on October 20, 2018. The Wayne County Director of Labor Relations signed on October 23, 2018. The CBA, along with supporting documentation, was then entered into TCM (SciQuest) the very next day, on October 24, 2018.

On October 31, 2018, the CBA was returned back to Labor Relations by Wayne County's Department of Management and Budget regarding mileage rate and requiring proof of driver's insurance. Once this was remedied and the CBA was amended, it was re-entered into TCM on November 8, 2018.

How many employees are in each classification, as defined in Article 3.02 of the CBA?

RESPONSE: Public Health Nutrition Consultant: 5. Dietitian: 0. Special Duty Nutritionist: 0. Special Duty Community Nutrition Assistant: 0. Community Nutritionist Assistant: 0.

This CBA deletes Memorandum of Agreement No. 5. Please provide all of the Memorandums of Agreement that were under the previous CBA. They are not in the Commission's records of the previous tentative draft (2015-47-012) or executed CBA (2016-45-008).

RESPONSE: *(Staff note: They have been provided.)*

Articles 34.08 and 34.10 are the same except for two words -- “whatsoever” in 34.08, and “anyway” in 34.08 and “any way” in 34.10. Please explain the differences.

RESPONSE: There is no substantive difference between these two sections.

Article 47.03 says that the agreement shall continue after September 30, 2018 if a new CBA is not in place, which is the end date of the previous CBA. Should this date be September 30, 2021? Please explain.

RESPONSE: Yes, this date should be September 30, 2021 and will be revised to reflect the correct date.

In SciQuest, the CBA’s starting date is January 1, 1900, which is used to signify that an agreement is to start upon Commission approval. However, the CBA has a start date of October 1, 2018. Please explain.

RESPONSE: The October 1, 2018 start date is only effective upon Commission approval.

Are any other unions working under expired CBAs? If so, which ones?

RESPONSE: Michigan Building and Construction Trades Council.

Which CBAs will expire on or before September 30, 2019? If any expire before September 30, when will they expire?

RESPONSE: AFSCME Non-Supervisory (Locals 25, 101, 409 and 1659), AFSCME Supervisory (Locals 1862, 2057 and 2926), AFSCME Local 3317, Police Officers Association of Michigan (POAM), Government Administrators Association (GAA), Professional Nurses Council-Units I & II (GAA), Government Bar Association (GBA), International Union of Operating Engineers (IOUE Local 324).

What is the status of negotiations for the above-mentioned CBAs?

RESPONSE: Negotiations for the above contracts are either currently in process or will begin in early Spring 2019. Preparation for these negotiations has begun by the Labor Team.

Prepared By: Joe Slezak, Legislative Policy Analyst

This analysis was prepared by Commission staff for use by Commission members in their deliberations and does not constitute an official statement of legislative intent.

P: 2019-43-004-ANA-R



Office of Fiscal Agency

FISCAL ASSESSMENT

FISCAL SUMMARY

This resolution would approve the Collective Bargaining Agreement (CBA) proposed by the County of Wayne, between the County and Dieticians and Nutritionists Association.

The CBA is effective from October 1, 2018 and continued through September 30, 2021.

The proposed summary outlines the substantive changes are as follows:

Article 6—Payment of Association Dues

6.05 The provisions of this Article shall be interpreted and enforced consistent with Public Act 349 of 2012, and with the decision of the United States Supreme Court in *Janus v. AFSCME*, decided June 27, 2018.

Article 34—Economic Improvements

34.02 Effective October 1, 2018, there shall be a 2.0% wage increase.

34.03 Effective April 1, 2020, there shall be a 2.0% wage increase.

34.09 Effective the date of execution of the 2018-2021 collective bargaining agreement by the Wayne County Executive, employees in the classification of Public Health Nutrition Consultant who are required to function in the capacity of Team Leader will receive additional compensation of one dollar and fifty cents (\$1.50) per hour of actual work as Team Leader.

34.10 Notwithstanding any other provision in this Agreement, employees' wages shall not be tied in any way to the wages of other bargaining units.

Article 46—Successor Clause

46.01 DELETE ARTICLE 46 IN ITS ENTIRETY



Office of Fiscal Agency

Article 47—Termination of Agreement

47.01 Ratification of this Agreement

This Agreement will become effective as of **October 1, 2018**, after the County receives written notification from the Association that the Association has ratified the Agreement and upon approval by the Wayne County Commission.

47.02 Expiration Date

This Agreement shall continue in full force and effect until 11:59p.m., **September 30, 2021**.

Memorandum #1—Mileage Allowance

Notwithstanding the provisions of Article 33.01 of the parties collective bargaining agreement, effective January 1, 2019, employees required to use their private vehicles in performance of assigned duties shall be reimbursed for actual trip mileage incurred each month at the Federal standard mileage rate established by the Internal Revenue Service (IRS) for the calendar year. This agreement shall supersede the mileage reimbursement rates previously in effect pursuant to Article 33.01.

Except as provided above, all of the remaining provisions of Article 33 shall continue in effect.

Memorandum of Agreement No. 5 shall be deleted.

Except as modified herein, the terms of the parties' October 1, 2015 through September 30, 2018 collective bargaining agreement shall remain in effect through September 30, 2021.

FISCAL ANALYSIS

At this time no fiscal assessment is needed as there is no monetary impact.



Office of Fiscal Agency

FISCAL QUESTIONS with department's responses

1. **What is the pay range of employees in each classification, factoring in the first 2 percent raise that they'll receive under this CBA?**

There are 5 Public Health Nutrition Consultant – pay range is \$44,864 - \$57,923.

There are 0 Dietitians – pay range is \$44,864 - \$57,923.

There are 0 Special Duty Nutritionists – pay range is \$29/hour.

There are 0 Special Duty Community Nutrition Assistants – pay range is \$21/hour.

There are 0 Community Nutritionist Assistants – pay range is \$36,195 - \$49,077.

2. **How many Team Leaders are there under this CBA that will receive the additional \$1.50 per hour compensation?**

There are 5 and they are on a rotating basis.

3. **How many employees currently use their vehicles that will be affected by the mileage allowance? How many in the past received mileage reimbursement for using their vehicles?**

All of these members currently use their own vehicles on occasion when assigned to alternative work sites/locations, and will be affected by the mileage allowance. All have in the past received mileage reimbursement for using their own vehicles.

4. **The employees were scheduled to receive the first raise effective October 1, 2018. Will they receive the raises retroactively? When will they receive the money? Please explain.**

Yes. Increases will be implemented not later than the second pay period after Commission approval, and the increase will be effective and paid retroactively to October 1, 2018.

Senior Fiscal Analyst: Mary A. Carr

19-43-004 CBA for Dieticians and Nutritionists

COMMITTEE ON GOVERNMENT OPERATIONS

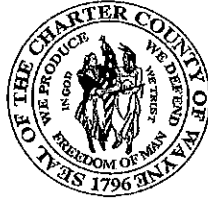
January 16, 2019

D.5.- Health Management Systems of America, Inc.

(2019-43-001)

*Wayne County Commission
Office of Research and Analysis*

Chair Alisha Bell



Referral Analysis
(12/18/2018)

**A RETROACTIVE, FIVE-YEAR CONTRACT WITH HEALTH MANAGEMENT SYSTEMS OF AMERICA, INC. TO PROVIDE AN EMPLOYEE ASSISTANCE PROGRAM
(2019-43-001)**

CONTENT

The Department of Management & Budget's Division of Benefits & Disability Administration is requesting Commission approval of a retroactive, five-year contract with Health Management Systems of America, Inc. (HMSA) (of Detroit) not to exceed \$350,000 to provide an employee assistance program (EAP) to employees, their families and management designed to reduce pain and costs associated with emotional, social and physical problems on and off the job, including prevention, early intervention and creative case management, as appropriate.

The term of the contract is from October 1, 2018 through September 30, 2023.

HMSA, which has provided EAP services to the County since 1996, was chosen through a Request for Proposals (RFP) process.

SCOPE OF SERVICES

Assistance is available to employees, spouses, dependent children and anyone else living in the employee's home, regardless of legal status, by calling (800) 847-7240 anytime.

EAP services are an employee benefit available at no out-of-pocket cost. If a referral is needed to a provider outside the EAP, a counselor will coordinate with the employee's health insurance company or offer an affordable community resource.

All EAP contacts are confidential, and information will not be provided to anyone else without written consent.

There are four categories within the Scope of Services: Employee/Dependent Services, Management Services, Administrative Services and Additional Services.

Employee/Dependent Services

- Face-to-face meetings: Between one and five in-person assessments annually, and referrals to appropriate providers for chemical dependency, and psychiatric and other mental health issues.
- The toll-free crisis line, available anytime.

●Website access for information, webinars, and self-assessment and personal planning tools at www.my-life-resource.com under the user name "hmsa" and the password "myresource."

●Diagnostic assessment, short-term counseling and referral services.

●Financial services, including an initial clinical assessment; one initial 60-minute phone consultation; referrals to Certified Public Accountants, Certified Financial Planners and Certified Credit Counselors; and a 20 percent discount for services beyond the initial consultation.

●Legal services, including an initial clinical assessment; one 30-minute initial meeting in office or via telephone; and a 25 percent discount beyond the initial consultation.

●Stress-reduction counseling.

●Assistance with workplace violence preventive and related issues.

●Bereavement counseling.

●Assistance with family and other personal issues, including but not limited to emotional, marital, gambling and child/elder care concerns.

●Job-related issues and return-to-work consultations.

●Emergency/crisis response coverage.

●Benefits analysis and coordination.

●Education and training, and evaluation.

●Employee orientation, including communications to employees and attendance at health fairs.

●Wellness seminars.

●A video lending library.

Management Services

●Management/supervisor consultations.

●Supervisor education and training/evaluation.

Administrative Services

●EAP relations/liaison activities.

●Utilization and return-on-investment data, available bi-monthly and annually.

●Documentation and recordkeeping, including an annual statistical utilization report and ad hoc reports.

●Policy and procedure development and review.

●Outreach/announcement materials and posters.

●Monthly employee and employer newsletters.

●Development, printing and mailing costs of annual brochures to employees' homes.

Additional Services

●Employee assistance with legal issues and referrals, including for separation and divorce; civil/consumer issues; personal/family legal issues; personal injury issues; criminal matters; business legal services; real estate matters; IRS matters; estate planning law; adoption; child support payments; will preparation; and traffic violations.

●Services for special-needs or learning-disabled students, including specialized day care referrals, home care recommendations and guided placement to educational facilities.

- Education issues on the college, high school and trade school levels, including those related to financial aid.

- Management services, including coaching and training to address disciplinary problems, absenteeism, drinking on the job, threats of violence and policy violations; substance-abuse professional services, drug-free workplace issues and Department of Transportation compliance; pre-employment psychological evaluations (charged based on provider rate); fit-for-duty evaluations (charged based on provider rate); onsite critical incident stress management and threat assessment services; online informational webinars, self-assessments and related tools; and telephone consultations.

2017 STATISTICS

In its RFP response, HMSA reported that in calendar year 2017, it handled 141 cases for Wayne County, served 498 clients, had 987 contacts and worked 658.53 hours. There were 20 open files on January 1 and 56 on December 31, and 66 files were closed during the year.

SUBCONTRACTORS

HMSA will subcontract with Workplace Options (of Raleigh, NC) for clinical after-hours coverage; CLC, Inc. (of Roseville, CA) for legal and financial services; and New Oakland Family Centers (of Clarkston) for psychiatric evaluations. The amount of money for each vendor is to be determined, and will be based on the number of clients that will be referred to them.

RFP PROCESS

The Procurement Division advises that the RFP was open from May 11, 2018 to June 7, 2018. Four proposals -- from HMSA, CARE's WorkLife Solutions, Henry Ford Health System and Ulliance, Inc. -- were received in response to 181 solicitations.

CARE'S WorkLife Solutions and Henry Ford Health System were deemed as nonresponsive because they did not meet the minimum qualifications of the RFP.

The four-member Evaluation Committee scored the two remaining respondents on a 100-point scale, with an average of 94.15 awarded to HMSA and an average of 73.85 awarded to Ulliance.

The Procurement Division recommends the award to HMSA as the most responsive and responsible proposer.

RETROACTIVITY

The Division of Benefits & Disability Administration advises that retroactivity is due to the RFP process, then gathering the necessary documents.

Section 120-50 of the Procurement Ordinance states, when Commission approval is required, no person can authorize performance or payment on a contract prior to approval by the Commission and execution by the County Executive. Any person who authorizes premature performance and/or payment may suffer penalties if damages were incurred as a result of the

premature performance. This may result in civil action and the person who violates the ordinance shall be personally liable, with liability not exceeding \$500 per violation.

Additionally, Section 120-50(d) states any person or business that provides services prior to approval does so at their own risk. They could be disbarred from receiving County contracts and must hold the County harmless against actual damages, costs, expenses and liability of any kind that the County sustains, incurs or is required to pay arising out of him, her or it rendering performance contrary to this Section.

Lastly, a resolution has been proposed that recognizes this contract is in violation of Ordinance No. 2006-1101 (as amended) and Section 5.143 of the Home Rule Charter for the County of Wayne, and directs the County Executive, in conjunction with Corporation Counsel, to submit a report to the Commission on this matter within 90 days.

Return History:

Return No.	Received by Commission	Returned to Draft	Returned to Commission	Return Reason
1	10/24/2018	11/19/2018	12/5/2018	The Fair Employment Practice certification, required under Section 120-192 of the Procurement Ordinance, is expired, and Section 14.01 of the contract is incomplete. In addition, please provide proof that the vendor is properly insured, per Section 12 of the contract.
Total	1			

PAPERWORK TIMELINE FOR THIS CONTRACT IS LISTED BELOW:

DOCUMENT	DATE	SIGNED BY & DEPARTMENT
Contract Signed by Vendor	Undated	
SciQuest First Signature	10/15/2018	Claire Mason Lee – Management & Budget
SciQuest Last Signature	12/5/2018	Darnella Williams – Executive's Office
Letter from Department to Commission Chair	10/1/2018	Claire Mason Lee – Management & Budget
Packet Received by Commission	12/5/2018	Office of Policy Research & Analysis
Number of days it took the contract to reach the Commission after letter to the Commission Chair	66 days	

This contract is before the Commission because full approval authority is expressly retained by the County Commission for contracts for supplies and services in excess of \$50,000 under Section 120-121 of the Procurement Ordinance.

DOCUMENTS ARE INCLUDED IN THE PACKET AS FOLLOWS:

DOCUMENT	YES	NO	NOT APPLICABLE
SciQuest Completed to Date?	X		
Freeze Committee Approval?	X		
Ethics in Contracting Vendor Form?	X		
Fair Employment Practices Certificate?	X		
Designation of Sub-Contractor Form?	X		
List of Sub-Contractors?	X		
Copy of the Contract?	X		
Contract contained Audit Clause?	X		

SEARCH OF RECORDS

A search of the Commission's Resolutions Index, dating back to 2000, shows 4 prior contracts with Health Management Systems of America, Inc., totaling \$734,000. Approval of the pending modification will increase the total amount to \$1,084,000.

SUMMARY OF CONTRACTS WITH: Health Management Systems of America, Inc.

RES. NO.	DESCRIPTION	AMOUNT	TERM
Pending	A five-year contract to provide for an Employee Assistance Program (2019-43-001)	\$350,000	10/1/2018 through 9/30/2023
2017-665	Modification No. 2 exercising the second option to renew to continue to provide for an Employee Assistance Program (2013-37-059M2)	\$72,000	10/1/2017 through 9/30/2018
2017-216	Modification No. 1 exercising the first option to renew for a contract for an Employee Assistance Program (2013-37-059M1)	\$72,000	10/1/2016 through 9/30/2017
2013-677 (Revised)	A three-year contract for an Employee Assistance Program with one, two-year option to renew (2013-37-059)	\$200,000	10/1/2013 through 9/30/2016
2005-581	A two-year contract for an Employee Assistance Program with a one-year option to renew (2003-37-010)	\$390,000	12/31/2003 through 12/31/2006
TOTAL		\$1,084,000	

Modification No. 2 to the most recent contract with Health Management Systems of America, Inc., exercising the second one-year option to renew, was reviewed by the Committee on Government Operations and approved with Commission Resolution No. 2017-665 on October 19, 2017. The vote on this item was as follows:

Yea -- Commissioners Anderson, Basham, Clark-Coleman, Haidous, Killeen, Leland, Marecki, Palamara, Scott, Webb, Varga, Vice-Chair Pro Tempore Ware, Vice-Chair Bell, Chairman Woronchak -- 14

Excused -- Commissioner Barone -- 1

PRELIMINARY CONCERNS

None.

Prepared By: Joe Slezak, Legislative Policy Analyst

This analysis was prepared by Commission staff for use by Commission members in their deliberations and does not constitute an official statement of legislative intent.

P: 2019-43-001-ANA-R



Office of Fiscal Agency

FISCAL ASSESSMENT

FISCAL SUMMARY

This resolution would approve a **retroactive five (5) year contract** between the County of Wayne and Health Management Systems of America, Inc. (HMSA) (Detroit, MI) in the amount not to exceed \$350,000. ***The term of this contract modification is from October 1, 2018 to September 30, 2023.***

- This contract will allow HMSA to provide assistance to employees, their family members and/or management designated to reduce pain and/or costs associated with emotional, social and physical problems on and off the job through the Employee Assistance Program (EAP).
 - Wayne County provides its employees and their immediate family members/members of their household with an Employee Assistance Program (EAP) that offers short-term counseling services with a professional mental health professional on a variety of issues that may create challenges for the employee on or off the job, including domestic, substance abuse, financial, legal, gambling, etc.

This contract will bring the total awarded amount to \$694,000 since October 2013, including the proposed contract.

- The Commission approved the original three (3) contract, under Resolution# 2013-677 on October 17, 2013 in the amount of \$200,000. ***The term of this contract was from October 1, 2013 to September 30, 2016.***
- The Commission approved the first retroactive one (1) year contract modification, under Resolution# 2017-216 on April 6, 2017 in the amount of \$72,000. ***The term of this contract was from October 1, 2016 to September 30, 2017.***
- The Commission approved the second retroactive one (1) year contract modification, under Resolution# 2017-665 on October 19, 2017 in the amount of \$72,000. ***The term of this contract was from October 1, 2017 to September 30, 2018.***



Office of Fiscal Agency

FISCAL ANALYSIS

- Compensation Chart - Appendix B attached

For FY 18-19, \$55,146,166 in expenditures has been budgeted in the Health Insurance business unit. As of November 12, 2018, \$5,479,392 (10%) has been expended. If the Commission approves this contract, the available balance in the Health Insurance business unit will be \$49,596,774 (General Health Fund). **SEE CHART**

Health Insurance - Business Unit						
	Budget Amount	Before Contract Actual Amount	Variance		Budget Amount	After Contract Actual Amount 70,000
Contract Amount				→		
Revenues	55,146,166	3,193,018	(51,953,148)		55,146,166	3,193,018
General Fund			0		0	0
Expenditures	55,146,166	5,479,392	49,666,774		55,146,166	5,549,392
Surplus/(Deficit)	0	(2,286,374)			0	(2,356,374)

IMPACT ON FUTURE FISCAL YEARS

- The total contract award with Health Management Systems of America, Inc. is for \$350,000 to provide assistance to employees, their family members and/or management designated to reduce pain and/or costs associated with emotional, social and physical problems on and off the job through the Employee Assistance Program (EAP).
 - The department has allocated \$70,000 for FY 18-19, \$70,000 for FY 19-20, \$70,000 for FY 20-21, \$70,000 for FY 21-22 and \$70,000 will be used in the FY 22-23 budget.

FISCAL CONCERNS/QUESTIONS

None.

Deputy Director/Fiscal Analyst: Terrance T. Adams

19-43-001 HMSA

COMMITTEE ON GOVERNMENT OPERATIONS

January 16, 2019

D.6.- Zausmer, August & Caldwell, PC

(2017-40-003M2)

*Wayne County Commission
Office of Research and Analysis*

Chair Alisha Bell



Referral Analysis
(12/14/2018)

**A RETROACTIVE MODIFICATION TO A TWO-YEAR CONTRACT WITH A ONE-YEAR OPTION TO RENEW WITH ZAUSMER, AUGUST & CALDWELL, PC TO ADD FUNDS AND EXERCISE THE RENEWAL OPTION IN THE TRANSFER OF NORTHEAST SEWAGE DISPOSAL SYSTEM TO SOUTHEAST MACOMB SANITARY DISTRICT MATTER
(2017-40-003M2)**

CONTENT

The Office of Corporation Counsel is requesting Commission approval of a retroactive modification to a two-year contract with a one-year option to renew with Zausmer, August & Caldwell, PC (of Farmington Hills) in the amount of \$50,000 to exercise the renewal option, add funds and replace Exhibit B to the contract in the Transfer of Northeast Sewage Disposal System (NESDS) to Southeast Macomb Sanitary District (SEMSD) matter.

The modification increases the total amount of the contract from \$85,000 to \$135,000. The term of the modification is from December 6, 2018 through December 5, 2019. The term of the entire contract is from December 6, 2016 to December 5, 2019.

The hourly rates remain \$200 for attorneys and \$75 for paralegals and law clerks.

Corporation Counsel advises that as of November 30, 2018, \$76,162 has been spent on this contract with an outstanding invoice of \$10,848.50, for a total of \$87,010.50, which is \$2,010.50 more than the present contract. If this modification is approved, it would leave a balance of \$47,989.50.

NESDS TRANSACTION BACKGROUND

NESDS transports wastewater collected from six municipalities through the Fox Creek Enclosure Drain to the system operated by the Great Lakes Water Authority (GLWA) for treatment and disposal. Three of the NESDS municipalities are in Wayne County -- the cities of Grosse Pointe Woods and Harper Woods, and the Village of Grosse Pointe Shores-A Michigan City. The other three cities -- Eastpointe, Roseville and St. Clair Shores -- are in Macomb County.

The Commission voted 13-0 (2 excused) via Resolution No. 2018-342 on May 10, 2018 to approve a transfer agreement with SEMSD in the amount of \$6,741,007.26 for the transfer of NESDS to SEMSD. The SEMSD board had voted unanimously on September 27, 2017 to approve the transfer agreement terms; St. Clair Shores Mayor Kip Walby, who is the SEMSD

chairman, signed the transfer agreement that day. The SEMSD consists of the three Macomb County cities, and each city council also approved of the transfer.

Corporation Counsel previously advised that SEMSD closed on the NESDS transfer agreement on September 27, 2018.

The Commission voted 15-0 via Resolution No. 2018-686 on September 20, 2018 to authorize the administration to execute the NESDS closing documents and transfer system debt to SEMSD.

The Commission also voted 13-0 (2 excused) on October 4, 2018 to approve four items:

- To receive and file a draft version of the closing memorandum, via Resolution No. 2018-749.
- A transition services agreement with SEMSD to operate NESDS, via Resolution No. 2018-751.
- An agreement with GLWA regarding NESDS sewage service, which addressed the placement, operation and sewage meters within the system, via Resolution No. 2018-753.
- A agreement with GLWA and SEMSD regarding the assignment and assumption of the NESDS sewage system agreement, which assigned all of the County's NESDS obligations to SEMSD, via Resolution No. 2018-754.

ETHICS DISCLOSURE/NEED FOR COMMISSION SUPER MAJORITY APPROVAL

Submission of an Ethics in Contracting Vendor Form, also known as an Ethics Certification, is required under Section 120-225 of the Procurement Ordinance. The form for this modification, signed by firm shareholder Michael Caldwell, disclosed that Deputy County Executive Richard Kaufman has a "substantial financial interest" in Zausmer, August & Caldwell, PC in response to the question, "Do you and a contract manager each have a substantial financial interest in one or more of the same business ventures?"

The form for another Zausmer, August & Caldwell, PC contract (2018-40-151) that was before the Commission, but has since been withdrawn at the request of the Office of Corporation Counsel, contains the same disclosure. It was signed by firm shareholder Gary August.

When these two items were originally submitted to the Commission, Mr. Caldwell made the disclosure on his form, but Mr. August answered "no" to the question. Both items were returned to the Office of Corporation Counsel to address several issues, including this.

Because of this disclosure, Section 120-225(c) of the Procurement Ordinance requires that any contract with Zausmer, August & Caldwell, PC requires approval by a super majority -- or at least 10 members -- of the full Commission.

Section 120-225(c) of the Procurement Ordinance reads, "A shared business venture exists when the principal beneficiary and a county employee who is on the contract managers list each currently have a substantial financial interest in one or more of the same business ventures. If a shared business venture exists, then the contract shall be submitted for approval

of the County Commission, and it shall require the vote of at least ten commissioners to approve that contract."

Section 120-238(i) of the Procurement Ordinance defines "substantial financial interest." An abbreviated version is listed on the form as:

- "Ownership of any interest or involvement in any relationship, which results in the receipt of \$500 or more per year. Exceptions: Market-rate from a financial institution; income from ownership of less than \$10,000 of stocks and bonds traded on the national stock exchanges."

- "Holding a key position in a business such as officer, director, trustee, partner or sales manager. Exceptions: Officers who serve without compensation on the boards of charitable organizations."

Mr. Kaufman disclosed a "substantial financial interest" in Zausmer, August & Caldwell, PC on his Conflict of Interest forms for 2015-18.

ADDITIONAL ETHICS DISCLOSURE

Mr. Kaufman's son, Sean, is a clerk for Zausmer, August & Caldwell. This disclosure has been made to the Commission by the firm several times, and Mr. Kaufman disclosed his son's employment on his Conflict of Interest forms.

RETROACTIVITY

The modification is deemed retroactive, per Section 120-50(a) of the Procurement Ordinance because what has been spent and a pending invoice combined are greater than \$85,000, the contract's value.

Section 120-50 states, when Commission approval is required, no person can authorize performance or payment on a contract prior to approval by the Commission and execution by the County Executive. Any person who authorizes premature performance and/or payment may suffer penalties if damages were incurred as a result of the premature performance. This may result in civil action and the person who violates the ordinance shall be personally liable, with liability not exceeding \$500 per violation.

Additionally, Section 120-50(d) states any person or business that provides services prior to approval does so at their own risk. They could be disbarred from receiving County contracts and must hold the County harmless against actual damages, costs, expenses and liability of any kind that the County sustains, incurs or is required to pay arising out of him, her or it rendering performance contrary to this Section.

Lastly, a resolution has been proposed that recognizes this contract is in violation of Ordinance No. 2006-1101 (as amended) and Section 5.143 of the Home Rule Charter for the County of Wayne, and directs the County Executive, in conjunction with Corporation Counsel, to submit a report to the Commission on this matter within 90 days.

Return History:

Return No.	Received by Commission	Returned to Draft	Returned to Commission	Return Reason
1	8/30/2018	10/11/2018	10/18/2018	A current Certification of Employment Practices must be submitted, as required by the Procurement Ordinance. The firm's Lawyers Professional Liability and Excess Professional Liability insurance have expired.
2	10/18/2018	12/5/2018	12/11/2018	The first whereas clause in the modification document incorrectly states that Modification No. 1 was authorized under Section 120-121(a) of the Procurement Ordinance.
Total	2			

PAPERWORK TIMELINE FOR THIS MODIFICATION IS LISTED BELOW:

DOCUMENT	DATE	SIGNED BY & DEPARTMENT
Modification Signed by Vendor	8/3/2018	
Request sent to Procurement Director	8/2/2018	Heather Cranston – Corporation Counsel
Procurement Director Approves Initiation	8/2/2018	Aaron Wagner - Procurement
SciQuest First Signature	8/20/2018	Zenna Elhasan – Corporation Counsel
SciQuest Last Signature	12/11/2018	Darnella Williams – Executive's Office
Letter from Department to Commission Chair	8/16/2018	Cheryl Jordan – Corporation Counsel
Packet Received by Commission	12/11/2018	Office of Policy Research & Analysis
Number of days it took the contract to reach the Commission after letter to the Commission Chair	117 days	

This modification is before the Commission because full approval authority is expressly retained by the County Commission for legal services contracts in excess of \$35,000 under Section 120-125(b)(8) of the Procurement Ordinance.

DOCUMENTS ARE INCLUDED IN THE PACKET AS FOLLOWS:

DOCUMENT	YES	NO	NOT APPLICABLE
SciQuest Completed to Date?	X		
Ethics in Contracting Vendor Form?	X		
Fair Employment Practices Certificate?	X		
Designation of Sub-Contractor Form?	X		
List of Sub-Contractors?			X
Copy of the Modification?	X		
Modification contained Audit Clause?			X

CONTRACT BACKGROUND

The underlying contract -- for a term of December 6, 2016 to December 5, 2018 and not to exceed \$35,000 -- was signed by the vendor on December 9, 2016 and approved by the Executive's Office on April 3, 2017 under Section 120-121(a)(3) of the Procurement Ordinance.

Modification No. 1, which added \$50,000 and kept the original term, was reviewed by the Committee on Government Operations and approved with Commission Resolution No. 2018-475 on July 12, 2018. The vote on this item was as follows:

Yea -- Commissioners Anderson, Basham, Clark-Coleman, Davis, Haidous, Killeen, Marecki, Palamara, Scott, Varga, Webb, Vice-Chair Pro Tempore Ware, Vice-Chair Bell, Chairman Woronchak -- 14

Excused -- Commissioner Barone -- 1

SEARCH OF RECORDS

Dating back to 2007, the Commission's Resolutions Index indicates that the Commission has approved 44 prior contracts with the firm currently known as Zausmer, August & Caldwell, PC and its predecessors totaling \$3,629,000. Approval of the pending modifications would increase the total to \$3,679,000.

SUMMARY OF CONTRACTS WITH: Zausmer, August & Caldwell, PC and its predecessors

RES. NO.	DESCRIPTION	AMOUNT	TERM
Pending	Modification No. 2 of a two-year contract to add funds and exercise the option to one-year renew in the Transfer of Northeast Sewage Disposal System to Southeast Macomb Sanitary District matter (2017-40-003M2)	\$50,000	12/6/2018 through 12/5/2019
Pending	Modification No. 3 to add time to provide legal services in the Rouge Valley System Negotiations matter (2015-40-014M3)	\$0	1/20/2019 through 1/19/2020
2018-476	Modification of a one-year contract with a one-year option to renew to add time and funds in the Wayne County Sheriff in the Wayne County Inmates v CEO matter (2009-37-098M15)	\$75,000	10/31/2008 through 10/30/2019
2018-475	Modification No. 1 of a two-year contract to add funds in the Transfer of Northeast Sewage Disposal System to Southeast Macomb Sanitary District matter (2017-40-003M1)	\$50,000	12/6/2016 through 12/5/2018
2018-164	Retroactive Modification No. 2 to add time to provide legal services in the Rouge Valley System Negotiations matter (2015-40-014M2)	\$0	1/20/2018 through 1/19/2019
2018-006	Modification No. 1 of a contract to provide legal services with respect to the Rock Ventures, LLC proposal to build a criminal justice complex (2017-40-032M1)	\$50,000	2/16/2017 through 2/15/2019
2017-732	Contract Modification No. 3 to add time to the contract in the Anthony Cece, et al. v Wayne County, et al. matter (2016-37-096M3)	\$0	2/11/2018 through 2/10/2019
2017-696	Modification of a one-year contract with a one-year option to renew to add time and funds in the Wayne County Sheriff in the Wayne County Inmates v CEO matter (2009-37-098M14)	\$25,000	10/31/2008 through 10/30/2018
2017-324	Retroactive Contract Modification No. 1 to add time and funds and amend Exhibit B to provide legal services in the Rouge Valley System Negotiations matter (2015-40-014M1)	\$115,000	1/20/2017 through 1/19/2018
2017-217	Contract Modification No. 2 to add funds to the contract in the Anthony Cece, et al. v Wayne County, et al. matter (2016-37-096M2)	\$110,000	2/11/2016 through 2/10/2018
2017-124	To provide legal services with respect to the Rock Ventures, LLC proposal to build a criminal justice complex (2017-40-032)	\$50,000	2/16/2017 through 2/15/2019
2017-086	Renewal of a one-year contract with a one-year option to renew, with no change in the dollar amount, in the Wayne County Sheriff in the Wayne County Inmates v CEO matter (2009-37-098M13)	\$0	10/31/2008 through 10/30/2017
2017-085	Contract Modification No. 7 to add funds to the contract to provide continued legal services in the Consolidated Jail Project-AECOM matter (2014-37-013M7)	\$6,000	8/26/2013 through 8/25/2017
2016-437	Contract Modification No. 1 to add funds to the contract in the Anthony Cece, et al. v Wayne County, et al. matter. The County Executive approved the original contract (2016-37-096M1)	\$100,000	2/11/2016 through 2/10/2018
2016-274	Contract Modification No. 6 to add time and funds to the contract to provide continued legal services in the Consolidated Jail Project-AECOM matter (2014-37-013M6)	\$50,000	8/26/2013 through 8/25/2017
2016-009	Contract Modification No. 5 to add funds to the contract to provide continued legal services in the Consolidated Jail Project-AECOM matter (2014-37-013M5)	\$150,000	8/26/2013 through 8/25/2016
2015-305	Modification to provide additional legal services and to extend the contract renewal for an additional year for the Wayne County Sheriff in the Wayne County Inmates v CEO matter (2009-37-098M12)	\$100,000	10/31/2008 through 10/30/2016
2015-304	Contract Modification No. 4 to add funds to the contract to provide continued legal services in the Consolidated Jail Project-AECOM matter (2014-37-013M4)	\$300,000	8/26/2013 through 8/25/2016
2015-084	Contract Modification No. 3 to add funds and time to the contract to provide continued legal services in the Consolidated Jail Project-AECOM matter (2014-37-013M3)	\$150,000	8/26/2015 through 8/25/2016

RES. NO.	DESCRIPTION	AMOUNT	TERM
2015-033	Modification to add additional funding to continue to provide legal services for the Wayne County Sheriff in the Wayne County Inmates v CEO matter (2009-37-098M11)	\$150,000	10/31/2008 through 10/30/2015
2014-569	Modification to a renewal to add funds and to extend the term of the contract for the provision of legal services in the Wayne County Inmates v CEO matter (2009-37-098M10)	\$150,000	10/31/2008 through 10/30/2015
2014-436	Contract Modification No. 7 to add time and funds for the continued provision of legal services in the Deon Gentry v Daniel Carmona matter (2009-37-236M7)	\$100,000	8/19/2014 through 8/18/2015
2014-255	Contract Modification No. 4 to extend the term of the contract to provide additional legal services in the Downriver Sewage Disposal System matter (2012-37-173M4)	\$38,000	5/13/2014 through 5/12/2015
2014-209	Modification to a renewal to add funds for the provision of legal services in the Wayne County Inmates v CEO matter (2009-37-098M9)	\$150,000	10/31/2008 through 10/30/2014
2014-172	Contract Modification No. 2 to provide continued legal services in the Consolidated Jail Project-AECOM matter (2014-37-013M2)	\$150,000	8/26/2013 through 8/25/2015
2014-011	Contract Modification No. 1 to provide continued legal services in the Consolidated Jail Project-AECOM matter (2014-37-013M1)	\$100,000	8/26/2013 through 8/25/2015
2013-791	Modification to a renewal to add time and funds for the provision of legal services in the Wayne County Inmates v CEO matter (2009-37-098M8)	\$25,000	10/31/2008 through 10/30/2014
2013-611	To provide legal services for an additional year in the Deon Gentry v Daniel Carmona matter (2009-37-236M6)	\$75,000	8/19/2013 through 8/18/2014
2013-370	To provide additional legal services and extend the term for an additional year in the Downriver Sewage Disposal System matter (2012-37-173M3)	\$44,000	5/13/2013 through 5/12/2014
2013-039	To provide legal services for an additional year in the Deon Gentry v Daniel Carmona matter (2009-37-236M5)	\$0	8/19/2012 through 8/18/2013
2012-801	Modification to a renewal to provide additional legal services in the Wayne County Inmates v CEO-Jail Consent Order matter (2009-37-098M7)	\$34,000	10/31/2008 through 10/30/2013
2012-744	To provide legal services in the Downriver Sewage Disposal System-Service Agreement Negotiations (2012-37-173M2)	\$50,000	5/13/2011 through 5/12/2013
2012-403	To provide legal services in the matter of Deon Gentry v Daniel Carmona (2009-37-236M4)	\$75,000	8/19/2011 through 8/18/2012
2012-075	To provide legal services in the matter of Deon Gentry v Daniel Carmona matter (2009-37-236R)	\$75,000	8/19/2011 through 8/18/2012
2011-070	To provide legal services in the matter of Toxic Tort-Central Park in Westland (2010-37-030M4)	\$135,000	1/12/2011 through 1/11/2012
2011-069	To provide legal services in the matter of Toxic Tort-Central Park in Westland (2010-37-030M3)	\$75,000	1/12/2009 through 1/11/2011
2010-690	To provide legal services in the matter of Deon Gentry v Daniel Carmona (2009-37-236M2)	\$175,000	8/19/2010 through 8/18/2011
2010-535	To provide legal services in connection with the Central Park in Westland matter (2010-37-030-M2)	\$60,000	1/12/2010 through 1/11/2011
2010-248	To provide legal services in the Wayne County Inmates v CEO Jail Consent Order matter (2009-37-098M4)	\$49,000	10/31/2008 through 10/30/2010
2010-094	To provide legal services in connection with the Deon Gentry v Daniel Carmona matter (2009-37-236M1)	\$75,000	8/19/2009 through 8/18/2010
2010-054	To provide legal services in connection with the Central Park in Westland matter (2010-37-030M1)	\$48,000	1/12/2010 through 1/11/2011
2009-563	To provide legal services in the Wayne County Inmates v CEO Jail Consent Order matter (2009-37-098M3)	\$100,000	10/31/2008 through 10/30/2010
2009-467	To provide legal services in the Wayne County Inmates v CEO Jail Consent Order matter (2009-37-098M2)	\$150,000	10/31/2008 through 10/30/2009
2009-274	To provide legal services in the Wayne County Inmates v CEO matter (2009-37-098)	\$150,000	10/31/2008 through 10/30/2009
2008-544	To provide legal services in the Amanda Odum v Wayne County (2008-37-203RM1)	\$75,000	2/27/2008 through 2/26/2009
2008-144	To provide legal services in the Central Park in Westland matter (2008-37-051)	\$50,000	1/12/2008 through 1/11/2009
TOTAL		\$3,679,000	

PRELIMINARY CONCERNS

(Staff note: The answers were provided in early December 2018.)

How much money has been spent on this contract?

RESPONSE: \$76,162.00

Are there any outstanding invoices? If so, what is the total?

RESPONSE: One outstanding invoice #101054 for \$10,848.50

What work remains for Zausmer, August & Caldwell to perform in this matter, and when does the Office of Corporation Counsel anticipate that the firm's work will be finished?

RESPONSE: Transfer of appropriate software license for SCADA, the transfer and review of hard copy records that need to be completed prior to January, minor issues regarding the Transition Services Agreement. It is believed and hoped that there will be no outstanding issues by January 1, 2019.

(Staff note: SCADA stands for Supervisory Control and Data Acquisition, and it's for the computers associated with NESDS/SEMSD operations.)

The Ethics in Contracting Vendor Form discloses that Deputy County Executive Richard Kaufman has a "substantial financial interest," as defined in Section 120-238(i) of the Procurement Ordinance, in Zausmer, August & Caldwell, PC. Please define exactly what Mr. Kaufman's "substantial financial interest" is in Zausmer, August & Caldwell, PC. And, when did his "substantial financial interest" in the firm resume?

RESPONSE: Richard Kaufman disclosed a "substantial financial interest" in Zausmer, August & Caldwell, PC on his Conflicts of Interest forms for 2015 through 2018. While still a shareholder at the firm Mr. Kaufman worked on a matter which resulted in a contingency fee being paid to the firm well after his departure. Mr. Kaufman received a portion of the firm's fee based upon the work he had completed on the file while still a shareholder. He received his portion of this contingency fee in 2018. He answered the "substantial financial interest" consistently in anticipation that there may be a time when the case in question would settle and payment be owed. Mr. Kaufman has not established a new interest in the firm since his departure, and there are no additional matters which may produce a fee to which he is entitled.

Commission staff asked in February 2017 if Mr. Kaufman still had a "substantial financial interest" in the firm, in which he was a shareholder before becoming Assistant County Executive. The Office of Corporation Counsel answered that, "Mr. Kaufman no longer has a 'substantial financial interest' in the firm as of August 1, 2016." Did Mr. Kaufman have a "substantial financial interest" in Zausmer, August & Caldwell, PC at any time between August 1, 2016 and when it resumed (see previous question)? If so, please specifically define that "substantial financial interest," including the time period.

RESPONSE: Mr. Kaufman correctly accounted for the potential future payment on his Conflict of Interest forms for 2015-2018 even though the exact date and amount of the payment were not known at the time. However, the conclusion of the legal matter and the associated payment were anticipated prior to 2017. Since the definition of 'substantial financial interest' in the ordinance contemplates future and not simply present entitlements, the potential for this payment should have been addressed in Corporation Counsel's February 2017 response.

However, the response referred specifically to Mr. Kaufman having divested his ownership interest in the firm, which he did prior to his appointment as Deputy County Executive. Mr. Kaufman has not established a new interest in the firm since his departure.

Prepared By: Joe Slezak, Legislative Policy Analyst

This analysis was prepared by Commission staff for use by Commission members in their deliberations and does not constitute an official statement of legislative intent.

P: 2017-40-003M2-ANA-R



Office of Fiscal Agency

FISCAL ASSESSMENT

FISCAL COMMENT

- This contract modification is in violation of the Procedure Ordinance Section 120-125.
- It should also be noted that Corporation Counsel notifies all law firms the following:
 - *The Wayne County Commission **will no longer approve** modifications to contracts in which work has been performed beyond the contract's monetary cap or termination date. Thus, sixty (60) days before reaching the cap on this Contract, you are responsible for advising the Assistant Corporation Counsel assigned to this matter so that modification of the Contract can be sought.*

FISCAL SUMMARY

This resolution would approve a contract modification (3rd contract overall) between the County of Wayne and the law firm of Zausmer, August & Caldwell, P.C. (Farmington Hills, MI) in the amount not to exceed \$50,000. This contract modification is for additional funding and an extension of time. ***The term of this contract modification will be from December 6, 2018 to December 5, 2019.***

- This contract will provide legal consultation and representation in the matter of Transfer of Northeast Sewer Disposal System ("NESDS") to Southeast Macomb Sanitary District ("SEMSD").
- *The original contract plus modifications have a balance of \$76,162, but the County owes the firm \$10,848.50.*

This contract modification will increase the total awarded amount by 59% and bring the total awarded amount to \$135,000.

- The CEO approved the original ***two (2) year retroactive contract*** on April 3, 2017 in the amount of \$35,000. ***The term of this contract is from December 6, 2016 to December 5, 2018.***
- The Commission approved the first contract modification, under Resolution# 2018-475, on July 12, 2018 in the amount of \$50,000. ***The term of this contract is from December 6, 2018 to December 5, 2019.***

Wayne County Commission
500 Griswold, 8th Floor
Detroit, Michigan 48226



Mark J. Abbo
Chief Fiscal Officer
Phone: (313) 224-0875

Office of Fiscal Agency

FISCAL ANALYSIS

The attorney blended hourly rate is \$200 per hour and the paralegal / law clerk hourly rate of \$75 per hour.

For FY 18-19, \$28,422,147 in expenditures have been budgeted in the Northeast business unit. As of December 5, 2018, \$3,645 (0.01%) has been expended. If the Commission approves this contract, the available balance in the Northeast business unit will be \$28,368,502 (Northeast Sewage Disposal System Fund). **SEE CHART**

Northeast business unit						
	Budget Amount	Before Contract Actual Amount	Variance		After Contract Actual Amount 50,000	Variance
Contract Amount				→		
Revenues	28,422,147	17,132,381	(11,289,766)		28,422,147	17,132,381 (11,289,766)
General Fund	0	0	0		0	0
Expenditures	28,422,147	3,645	28,418,502		28,422,147	53,645 28,368,502
Surplus/(Deficit)	0	17,128,736			0	17,078,736

IMPACT ON FUTURE FISCAL YEARS

- Approval of this contract may have an impact on future fiscal years through FY 19-20.

FISCAL CONCERNS/QUESTIONS

1.) How much has been paid to the law firm of Zausmer, August & Caldwell, PC, to date, regarding this contract as a whole (original plus all modifications)?

The Department states that the law firm of Zausmer, August & Caldwell, PC, has been paid \$76,162, as of November 30, 2018, regarding this contract matter as a whole.

2.) What is the total amount of outstanding bills owed to the law firm of Zausmer, August & Caldwell, PC regarding this matter as a whole?

The Department states that the total amount of outstanding bills owed to the law firm of Zausmer, August & Caldwell, PC, regarding this matter as a whole is \$10,848.50 as of November 30, 2018.

Deputy Director/Fiscal Analyst: Terrance T. Adams
17-40-003-M2 Zausmer, August